

# Exhibit N

**Kline, Scot**

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**From:** Peter Washburn <Peter.Washburn@ag.ny.gov>  
**Sent:** Friday, March 25, 2016 11:49 AM  
**To:** Lemuel Srolovic; Kline, Scot; Morgan, Wendy  
**Cc:** Michael Meade  
**Subject:** Afternoon Discussion: State Responses  
**Attachments:** Question Responses.docx

Wendy, Scot, Lem –

For this afternoon's discussion. See attached responses received from participating states re: what they are looking to add to/get out of the afternoon discussion.

As an overall summary, the responses demonstrate a strong desire among the states to learn what each other are up to -- a validation of the value of this meeting -- as well as to support and sustain coordination on individual and collective efforts into the future -- a validation of the value of a coalition.

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## **Attorneys General Climate Change Coalition Questionnaire Responses**

**(1) What do you hope to get or learn during the afternoon? We want to make sure we cover what we can of your particular interests.**

CT (Matthew Levine) – I hope to learn more about the substance of the disclosure investigation and the legal theories to support taking any action. It would also be helpful to understand the magnitude of such an action and the resources available to undertake it.

DC (Elizabeth Wilkins) – I am interested in hearing generally what other states are doing on climate change-related efforts and, in particular, in how they've staffed these efforts if they do not have a section dedicated to environmental issues.

IL (James Gignac) – Nothing more specific than what the agenda items are designed to draw out (discussion of coordination, possible new initiatives, etc.).

MA (Melissa Hoffer) – We'd like to learn the status of other states' investigations/plans and potential avenues for information sharing and coordination.

ME (Jerry Reid) – I am interested in learning more about potentially unfair and deceptive trade practices of Exxon as they relate to global warming, and the level of interest among our states in pursuing these claims.

OR (Paul Garrahan) – We look forward to learning about NY's oil company investigation, primarily. And to hear any other ideas you and other states may have. And to build our working relationship.

RI (Greg Schultz) – I am most interested in personally meeting the various state AAGs that I have worked with since 2009 on Clean Air Act and Climate Change issues. I would also be interested in looking ahead to our challenges for this year and beyond, such as possible other EPA-related actions and rulemaking, etc.

USVI (Claude Earl Walker) – We are eager to hear what other attorneys general are doing and find concrete ways to work together on litigation to increase our leverage.

VA (Daniel Rhodes) – We are mostly interested in hearing about efforts ongoing in the other jurisdictions present and how Virginia may complement those efforts and move forward here.

WA (Laura Watson) – We are interested in the discussion about utility efforts to barrier renewables. I am told that this has not been a problem in our state, or at least not a problem that we currently have the tools to address. I am interested in hearing what types of issues other states are seeing and what tools they are using to address those.

We are also interested in finding out whether other states are taking action on ocean acidification or whether this is largely a West Coast issue at this point.

We are also wondering whether other states are looking at the insurance side of things. Are states running into issues with insurance companies limiting coverage for climate-related claims?

**(2) Please provide a very brief description of the office activities you will describe at the 1:45 segment of the agenda. We'd like to group related activities together. You will have 2-3 minutes to describe your activities.**

CT (Matthew Levine) – I can briefly describe the various legal actions that Connecticut has participated in (many of which we have joined with New York and the extended coalition of States). I can also discuss Connecticut's extensive efforts to combat climate change through actions by our agency and shifting to renewable sources of energy. We have been successful in defending several legal challenges to the State's commitment to increase renewables sources of energy.

DC (Elizabeth Wilkins) – DC has not previously taken many affirmative steps to combat climate change. To the degree that we have had any involvement, it has been because we represent our Department of Energy and Environment in front of our Public Service Commission on matters related to creating incentives for more widespread use of sustainable energy.

IL (James Gignac) – Climate and energy-related activities of the Illinois Attorney General's Office include:

- Participation in federal multi-state cases involving air quality and carbon emissions;
- Enforcement actions and state regulatory matters involving coal-burning power plant emissions and coal ash;
- FERC and MISO issues involving capacity payments to coal plants;
- Financial challenges of coal industry (both mining and power sectors);
- Involvement in state level policy and regulations on energy efficiency, renewables, and utility business models

MA (Melissa Hoffer) – Advancing clean energy and making smart energy infrastructure investments (addresses our positions on new gas pipelines, LTKs for cleaner energy); promoting utility customer choice (solar incentives, grid mod); readiness and resilience (storm response, grid mod).

ME (Jerry Reid) – Maine has long participated with New York, Massachusetts and other like-minded states in litigation to bring about meaningful federal regulation of greenhouse gas emissions. Today this is primarily in the form of litigation supporting EPA in challenges to the Clean Power Plan.

OR (Paul Garrahan) – I assume this item is asking what work out offices are doing on climate change issues? Other than our CAA litigation with other states, we are also defending Oregon's Clean Fuels Program (low carbon fuel standards) at the 9th Circuit (after successfully getting the challenge dismissed by the district court) and at the Oregon Court of Appeals (rule making challenge). We also continue to defend the state in a public trust doctrine case asserting that the state has not taken sufficient steps to cut GHG emissions. That case is also currently at the Oregon Court of Appeals (for a second time).

RI (Greg Schultz) – I'm not sure exactly what you are looking for here. Perhaps I could discuss the challenges of working in a small state with limited environmental staff. For instance, as part of a 3-person Environmental and Land Use Unit within the RIAG's office, I prosecute a wide variety of civil environmental enforcement actions in state court; defend state agencies on environmental and related matters; litigate state's rights in land, including public rights-of-way, beaches and parks; counsel state agencies on environmental matters, including rulemaking; represent the State in multi-state environmental litigation, etc.

USVI (Claude Earl Walker) – We just finished litigation against Hess Oil over an enforcement matter relating to Hess's decision to close its oil refinery in St. Croix, Virgin Islands, after receiving billions of dollars in tax breaks. As part of our \$800 million settlement, we were able to create an environmental response trust that will deal with clean-up of the site and help convert part of it to solar development, we hope. We also have issued a subpoena to ExxonMobil and are preparing third party subpoenas on the common issue of its potential misrepresentations regarding its knowledge of climate change.

VA (Daniel Rhodes) – No response.

WA (Laura Watson) – As you know, Washington State is one of the parties to the multi-state litigation defending the Clean Power Plan. We have also intervened in a lawsuit in defense of Oregon's low carbon fuel standard. We are looking at possible causes of action based on fossil fuel company disclosures and have just started looking at possible common law causes of action (e.g., nuisance suits). Other than that, the bulk of our climate work consists of providing legal support to our clients in the Governor's Office and the Department of Ecology. Specifically, we are supporting a regulatory effort to cap carbon emissions from transportation fuels, natural gas, and stationary sources. We are also providing legal support related to the development of environmental impact statements for two large coal export facilities proposed in Washington and three proposed oil terminals.

**(3) Specific items you would like to discuss in the discussion of expanding the coalition's work beyond the federal/EPA advocacy and litigation.**

CT (Matthew Levine) – None.

DC (Elizabeth Wilkins) – Nothing to add – DC will most likely be primarily in listening mode as this work is new for us.

IL (James Gignac) – Consider how to increase our office's coordination on matters involving DOE, FERC, and ISOs/RTOs. How we can better link the consumer and environmental interests of our offices in these venues? Similarly, regarding state energy and climate policies, can we strengthen or bolster our office's sharing of knowledge, materials, experts, etc. on things like energy efficiency, renewable portfolio standards, demand response, net metering, and utility rate design? Finally, I would be interested in talking with any other states (time permitting) dealing with coal mine or power plant closures and issues of jobs, property taxes, decommissioning or clean-up, and site re-use.

MA (Melissa Lioffer) – See above.

ME (Jerry Reid) – None.

OR (Paul Garrahan) – We don't have any particular ideas, other than our interest in the possible oil company litigation, but we are open to other possibilities.

RI (Greg Schultz) – I am open for any discussion. I would like to hear from the NHAG and other states on their MTBE litigation.

USVI (Claude Earl Walker) – We are interested in identifying other potential litigation targets.

VA (Daniel Rhodes) – Not sure we have specific items for the afternoon discussion at this time but likely will be prompted by the discussions. We would be very interested in any discussion and thoughts about resource sharing through collaborative thinking in the formation of coalition building.

WA (Laura Watson) – I think I probably covered this in response to the first question. The only thing I'd add is that we're interested in the legal theories under section 115 of the federal Clean Air Act, although it looks like the focus in the agenda is on non-federal actions.

**(4) Will any consumer protection or securities staff be participating?**  
**Fossil fuel company disclosure investigations raise consumer protection and securities issues as well as climate change. If enough folks from that part of your offices are participating, we could plan a break out session for them.**

CT (Matthew Levine) – We will not have someone from our Consumer protection division but I work closely with that group and am getting familiar with the consumer protection and securities issues related to climate change and we would likely be the group (environment) that works on these issues.



DC (Elizabeth Wilkins) – I will be the only person from DC participating.

IL (James Gignac) – Not in the meeting itself, but we do have consumer protection staff interested in learning more about the issues. We do not have securities staff.

MA (Melissa Hoffer) – No.

ME (Jerry Reid) – No.

OR (Paul Garrahan) – Yes, Sr AAG Tim Nord will attend from our consumer protection unit.

RI (Greg Schultz) – No.

USVI (Claude Earl Walker) – Yes, we will have our outside counsel/Special Assistant Attorney General, who has specialized in consumer protection work.

VA (Daniel Rhodes) – No response.

WA (Laura Watson) – Our CP folks will not be attending but I have been in contact with them and intend to report back to them after the meeting. I've reviewed our office's internal analysis on the various causes of action available in Washington State and can contribute at least generally to the discussion.

**(5) Any other thoughts about the afternoon's working session?**

CT (Matthew Levine) – None.

DC (Elizabeth Wilkins) – None.

IL (James Gignac) – None.

MA (Melissa Hoffer) – None.

ME (Jerry Reid) – None.

OR (Paul Garrahan) – We look forward to the discussion.

RI (Greg Schultz) – I would be interested in discussing the possibility of setting up additional AG meetings with NESCAUM (Northeast States for Coordinated Air Use Management) on regional air issues (NESCAUM works closely with state air agencies on a variety of air issues). I work closely with my state air agency, but never seem to sit down with them to discuss their specific issues and concerns.

USVI (Claude Earl Walker) – None.

VA (Daniel Rhodes) – None.

WA (Laura Watson) – None.



# Exhibit O



# Peter Frumhoff

*Director of Science & Policy*

Peter C. Frumhoff is director of science and policy at the Union of Concerned Scientists, and chief scientist of the UCS climate campaign. He ensures that UCS brings robust science to bear on our efforts to strengthen public policies, with a particular focus on climate change. A global change ecologist, Dr. Frumhoff has published and lectured widely on topics including climate change impacts, climate science and policy, tropical forest conservation and management, and biological diversity. He was a lead author of the Intergovernmental Panel on Climate Change's (IPCCs) 2007 Fourth Assessment Report and the 2000 IPCC Special Report on Land Use, Land-Use Change, and Forestry, and served as chair of the 2007 Northeast Climate Impacts Assessment. He serves on the Advisory Committee on Climate Change and Natural Resource Science at the U.S. Department of the Interior, the board of directors of the American Wind Wildlife Institute, and the steering committee for the Center for Science and Democracy at UCS. He is an associate of the Harvard University Center for the Environment.



In 2014, Dr. Frumhoff served as a Cox Visiting Professor in the School of Earth Sciences at Stanford University. Previously, he has taught at Tufts University, Harvard University, and the University of Maryland. He also served as an AAAS Science and Diplomacy Fellow at the U.S. Agency for International Development, where he designed and led conservation and rural development programs in Latin America and East Africa. He holds a Ph.D. in ecology and an M.A. in zoology from the University of California, Davis, and a B.A. in psychology from the University of California, San Diego.

Dr. Frumhoff has been quoted widely, including by *The Boston Globe*, *Christian Science Monitor*, *The Guardian*, *National Journal*, *Newsweek*, *The New York Times*, and *The Washington Post*, and has appeared on National Public Radio.

Peter Frumhoff



## Peter Frumhoff's Selected Publications

Frumhoff, P.C., R. Heede, and N. Oreskes. 2015. The climate responsibilities of industrial carbon producers. *Climatic Change* 132(2): 157-171. doi: 10.1007/s10584-015-1472-5. [Available here.](#)

Frumhoff, P.C., V. Burkett, R.B. Jackson, R. Newmark, J. Overpeck, and M. Webber. 2015. Vulnerabilities and opportunities at the nexus of electricity, water and climate. *Environmental Research Letters* 10:080201. doi:10.1088/1748-9326/10/8/080201. [Available here.](#)

Mera, R., N. Massey, M. Allen, P. Mote, D.E. Rupp, and P.C. Frumhoff. 2015. Climate change, climate justice and the application of probabilistic event attribution to summer heat extremes in the California Central Valley. *Climatic Change*, published online: <http://link.springer.com/article/10.1007/s10584-015-1474-3>. doi: 10.1007/s10584-015-1474-3

Rosenberg, A.A., L.M. Branscomb, V. Eady, P.C. Frumhoff, G.T. Goldman, M. Halpern, K. Kimmell, Y. Kothari, L.D. Kramer, N.F. Lane, J.J. McCarthy, P. Phartiyal, K. Rest, R. Sims, and C. Wexler. 2015. Congress's attacks on science-based rules. *Science* 348(6238): 964-966. doi: 10.1126/science.aab2939. [Available here.](#)

Allison, T.D., T.L. Root, and P.C. Frumhoff. 2014. Thinking globally and siting locally-renewable energy and biodiversity in a rapidly warming world. *Climatic Change* 126: 1-6. doi:10.1007/s10584-014-1127-y. [Available here.](#)

Sanford, T., P.C. Frumhoff, A. Luers, and J. Gullede. 2014. The climate policy narrative for a dangerously warming world. *Nature Climate Change* 4:164-166. doi:10.1038/nclimate2148. [Available here.](#)

Ekuruzel, C., E. Brown, and D. Document 766 Filed 10/17/16 Page 12 of 46 PageID 2536  
 Increasing the impact of assessments on public understanding of climate risks and choices *Climatic Change* 108: 791-802. doi: 10.1007/s10584-011-0194-6. [Available here](#).

Meyer, J.L., P.C. Frumhoff, S.P. Hamburg , and C. de la Rosa. 2010. Above the din but in the fray: environmental scientists as effective advocates. *Frontiers in Ecology and the Environment* 8(6): 299-305. doi:10.1890/090143. [Available here](#).

Gullison, R.E., P.C. Frumhoff, J.G. Canadell, C.B. Field, D.C. Nepstad, K. Hayhoe, R. Avissar, L.M. Curran, P. Friedlingstein, C.D. Jones, C. Nobre. 2007. Tropical forests and climate policy. *Science*: 316:985-986. doi 10.1126/science.1136163. [Available here](#).

Frumhoff, P.C. J.J. McCarthy, J.M. Melillo, S.C. Moser, and D.J. Wuebbles. 2007. *Confronting Climate Change in the U.S. Northeast: Science, Impacts and Solutions*. Synthesis Report of the Northeast Climate Impacts Assessment (NECIA). Union of Concerned Scientists. Cambridge, MA.

Hayhoe, K, D. Cayan, C.B. Field, P.C. Frumhoff, E.P. Maurer, N. Miller, S.C. Moser, S. H. Schneider, K.Cahill, E.E. Cleland, L. Dale, R. Drapek, R.M. Hanemann, , L.S. Kalkstein, J. Lenihan, C.K. Lunch, R.P. Neilson, S. C. Sheridan and J.H. Verville. 2004. Emissions pathways, climate change and impacts on California. *Proceedings of the National Academy of Sciences* 101(34): 12422-12427. doi 10.1073/pnas.0404500101. [Available here](#).

## Opinion Pieces

*Fossil Fuel Firms Are Still Bankrolling Climate Denial Lobby Groups*. The Guardian. March 25 2015. [Available here](#).

*Making Water-Smart Energy Choices in Colorado*. Denver Post. Oct 15 2012 (with Alice Madden). [Available here](#).

*Toward One America on Climate Change*. Multiple newspapers – McClatchy syndicate. February 23 2012 (with Andrew Hoffman). [Available here](#).

*Candidates must deal with facts, not wishes, on climate change*. Multiple newspapers – McClatchy syndicate. September 16 2011 (with Kerry Emanuel). [Available here](#).

*The Limits of Doubt-Mongering*. The Hill. February 23 2011 (with Naomi Oreskes). [Available here](#).

## Other

Peter Frumhoff and a panel discussion (including Gus Speth) on “Who is Responsible for Climate Change?” on October 16, 2015 — watch a [video](#) of the event.

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We *can* ensure that decisions about our health, safety, and environment are based on the best available science—but not without you. Your generous support helps develop science-based solutions for a healthy, safe, and sustainable future.

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PETER FRUMHOFF IS BASED IN CAMBRIDGE, MA

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MAY 13, 2016

Scientists, Legal Scholars Brief State Prosecutors on Fossil Fuel Companies’ Climate Accountability  
MAY 11, 2016

Holding the Fossil Fuel Industry Accountable: What We’ve Done and Must Do in the Wake of Paris  
DECEMBER 18, 2015

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## [ MEDIA REQUESTS ]

Ashley Siefert

Energy

Communications Officer

202-331-5666

[asiefert@ucsusa.org](mailto:asiefert@ucsusa.org)

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## [ SPEAKING REQUESTS ]

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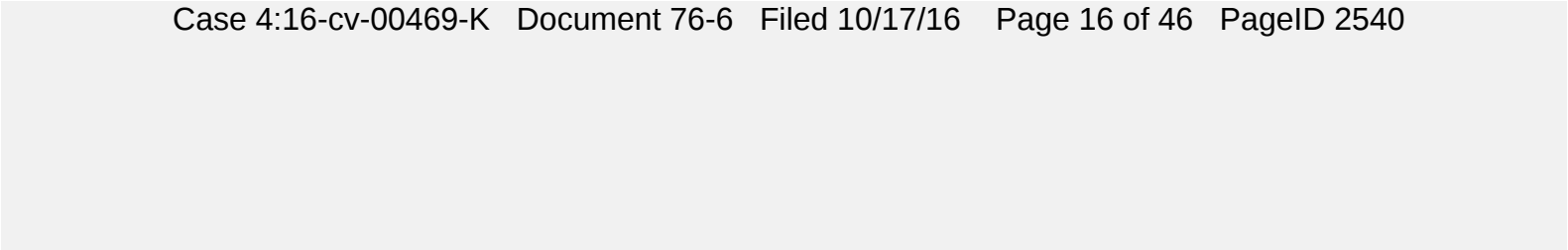
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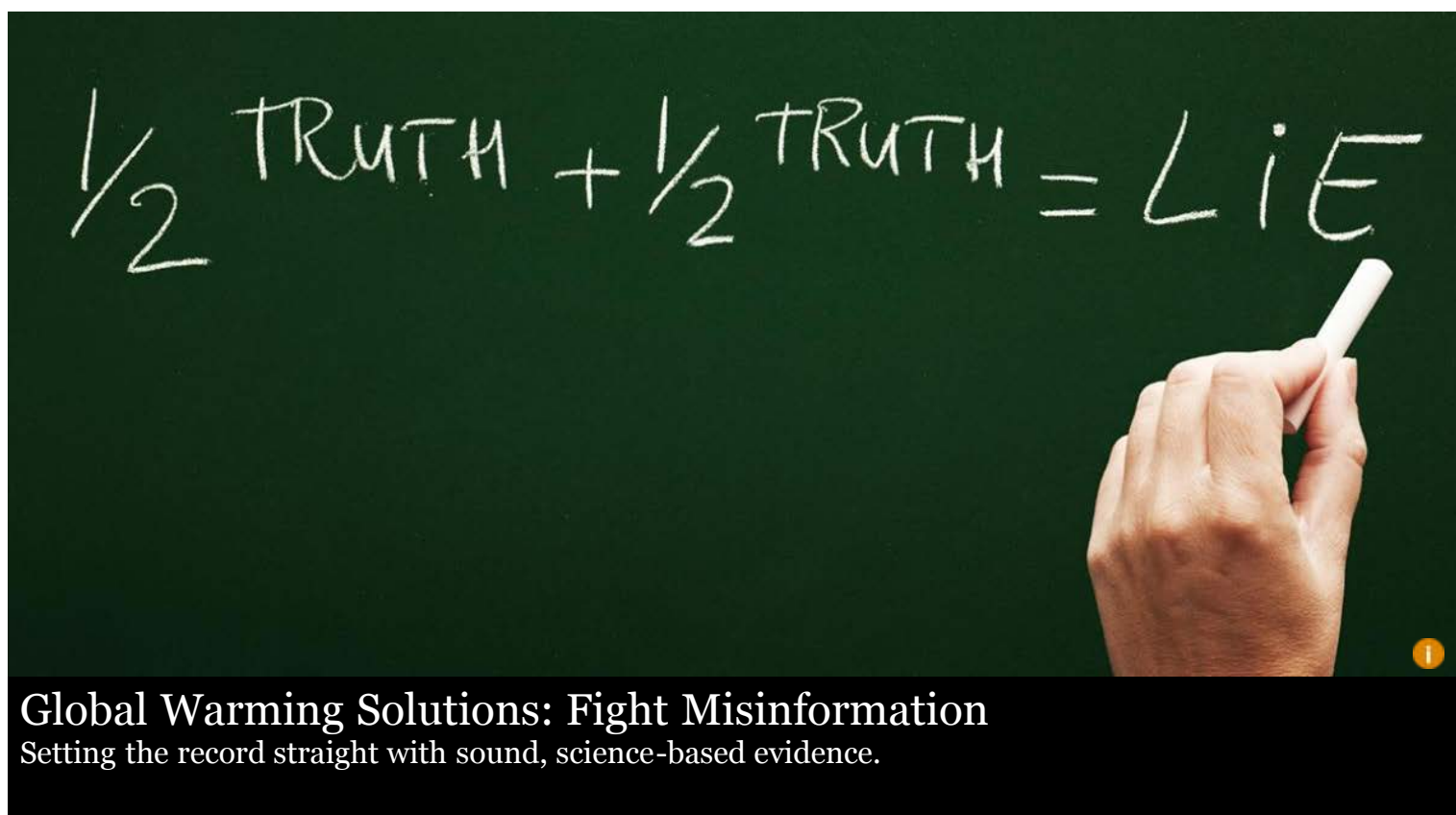
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# Exhibit P



## Why has it been so difficult to achieve meaningful solutions to global warming?

Media pundits, partisan think tanks, and special interest groups [funded by fossil fuel and related industries](#) raise doubts about the truth of global warming.

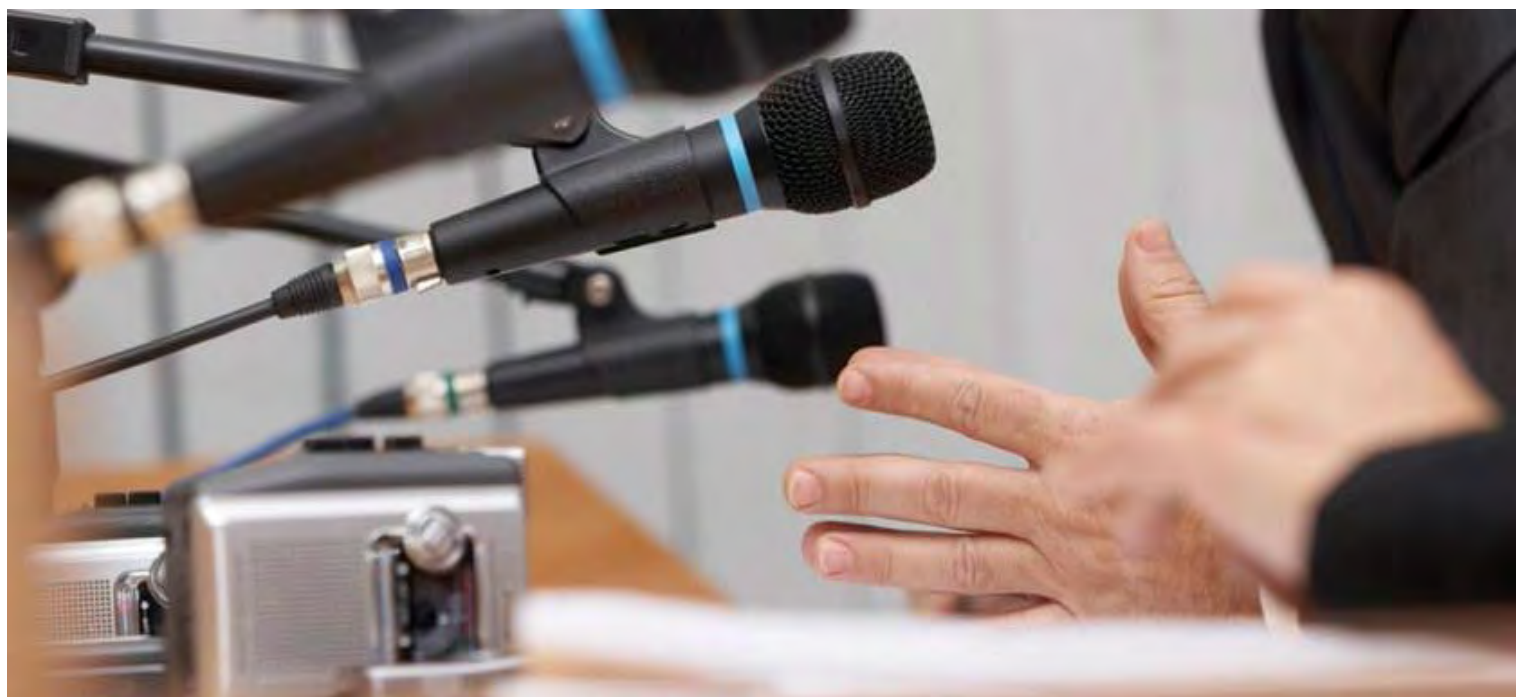
Case 4:16-cv-00469-K Document 76-6 Filed 10/17/16 Page 19 of 46 PageID.2543  
These companies have known for decades that their products—oil, natural gas, and coal—cause global warming. Their own scientists told them so more than 30 years ago. In response, they decided to deceive shareholders, politicians, and the public—you!—about the facts and risks of global warming.

This barrage of misinformation misleads and confuses the public about the growing consequences of global warming — and makes it more difficult to implement the solutions we need to [effectively reduce the man-made emissions](#) that cause global warming.

Together with its members and supporters, UCS actively fights misrepresentations of climate science and provides sound, science-based evidence to set the record straight, including resources to help you communicate the real facts about global warming.

## Holding fossil fuel companies accountable

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Major fossil fuel companies have known for decades that their products—oil, natural gas, and coal—cause global warming. Their own scientists told them so more than 30 years ago. In response, they decided to deceive shareholders, politicians, and the public—you!—about the facts and risks of global warming.

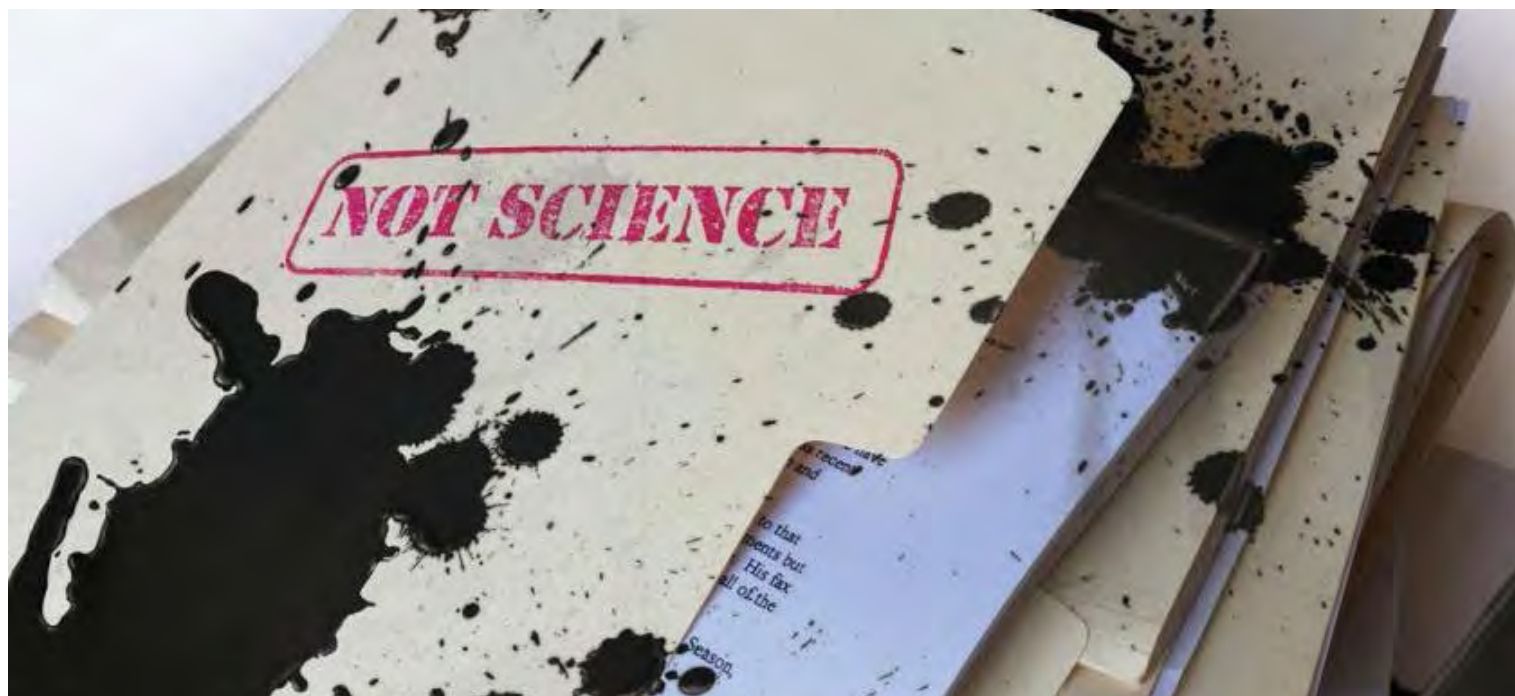
These companies should immediately stop funding climate deception. They should bear their fair share of responsibility for the damage caused by their products.

### Learn more:

- [Major Fossil Fuel Companies Knew about Global Warming...and Did Worse than Nothing >](#)

## The Climate Deception Dossiers

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For nearly three decades, many of the world's largest fossil fuel companies have knowingly worked to deceive the public about the realities and risks of climate change. They continue to do so today. Their deceptive tactics are now highlighted in The [Climate Deception Dossiers](#)—collections of internal company and trade association documents that have either been leaked to the public, come to light through lawsuits, or been disclosed through Freedom of Information (FOIA) requests. Additional examples of deception can be found in our infographic, [Climate Science vs. Fossil Fuel Fiction](#).

## Documenting inaccurate coverage of climate science by major cable news outlets

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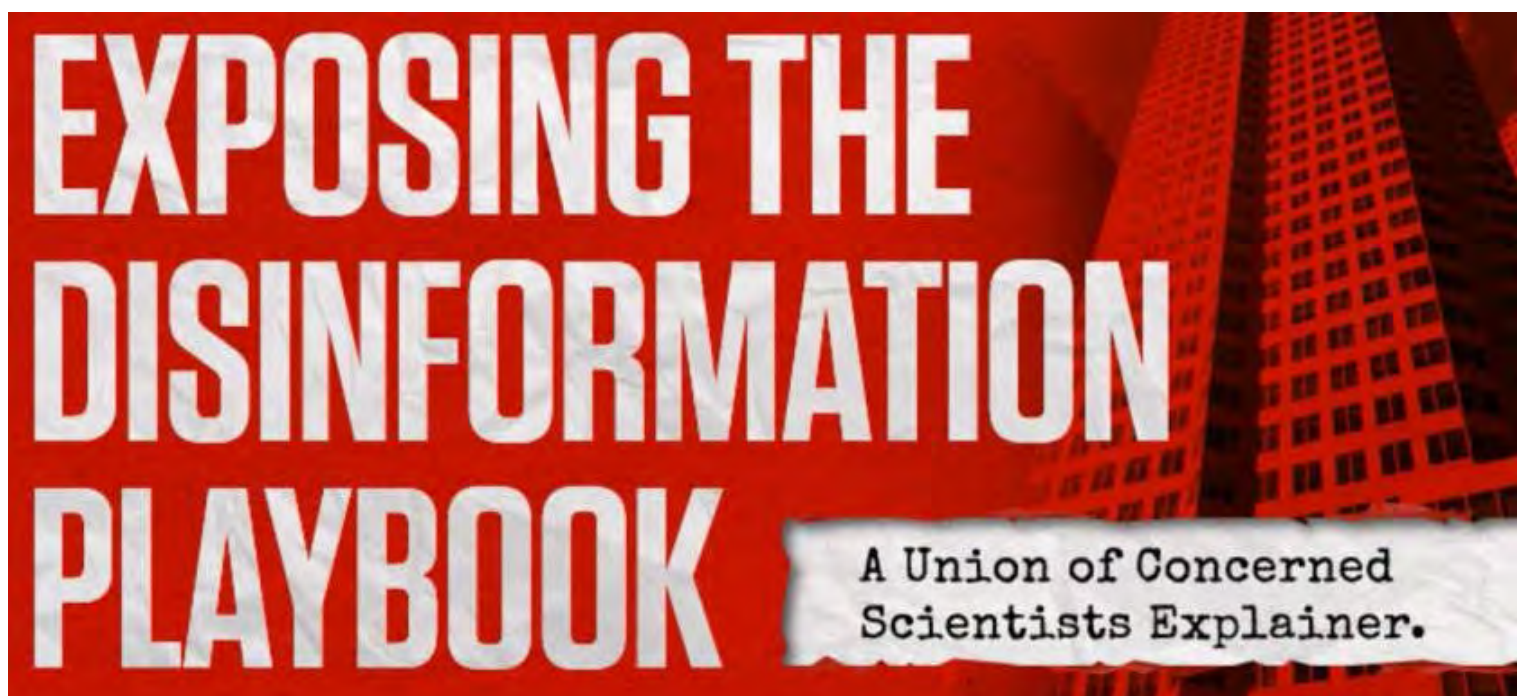




Photo: Grafissimo/iStock

CNN, Fox News, and MSNBC are the most widely watched cable news networks in the U.S. An [analysis of 2013 coverage](#) shows that the accuracy of climate science coverage varies significantly by network — and that all of them can and should take steps to improve.

## Exposing the fossil fuel industry's disinformation playbook



In this [interactive slideshow](#), UCS reveals the secret tactics used by the fossil fuel industry to spread disinformation and delay action on climate change — the very same tactics used by Big Tobacco for years to mislead the public about the dangers of smoking.

**Learn more:**

- [Who's Fighting the Clean Power Plan and EPA Action on Climate Change? >](#)

## Calling out Fox News for misleading coverage of climate science

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Millions of Americans get information about climate science from the Fox News Channel, yet a 2012 [UCS snapshot analysis](#) found that representations of climate science on Fox News Channel were misleading 93 percent of the time.

Another prominent News Corporation outlet, the Wall Street Journal's opinion page, similarly misled the public in 81 percent of letters, op-eds, columns, and editorials.

## Showing how the news media help the fossil fuel industry spread disinformation

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A [UCS investigation](#) showed that the U.S. news media routinely fail to inform the public about the fossil fuel industry funders behind climate change contrarian think tanks. From 2011 - 2012, two-thirds of stories from eight top news organizations did not identify the fossil fuel industry funding of eight prominent climate contrarian groups.

## Exposing special interest groups and policy makers who misrepresent climate science

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Got Science? 4/16/16 by 00469-K Document 76-6 Filed 10/17/16 Page 24 of 46 PageID 2548  
have run roughshod over scientific evidence. Past columns have [debunked fake government reports](#),  
[countered misinformation about renewable energy](#), and [exposed state-level efforts to suppress research](#)  
[on sea level rise](#).

## Fighting back against attacks on climate science and scientists



Photo: arturbo/iStock

UCS set the record straight in several recent instances of misinformation about climate science, and fought back against deliberate attacks on climate scientists, including:

- [Actively — and successfully — fighting back](#) against attacks on climate scientist Michael Mann by Virginia Attorney General Ken Cuccinelli.
- [Defending the Intergovernmental Panel on Climate Change \(IPCC\)](#) from misleading allegations about its 2007 climate change assessment.
- [Revealing the truth about ExxonMobil's disinformation tactics](#), which included funneling nearly \$16 million to a network of 43 advocacy organizations that seek to confuse the public on climate science.
- [Debunking misinformation about "Climategate,"](#) a manufactured controversy over emails stolen from the University of East Anglia's Climatic Research Unit.
- Setting the record straight in the popular press for books that distort the facts about climate science, including [The Skeptical Environmentalist](#), [SuperFreakonomics](#), and Michael Chrichton's thriller, [State of Fear](#).



# Resources for effectively communicating climate science

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You can help fight misinformation about global warming by effectively communicating the facts about climate science, whether to your friends, your community, the media, or directly to policy makers.

UCS offers a range of resources to help you improve your science communication skills and develop effective techniques for presenting information about global warming, including a series of webinars designed to provide you with useful tools and best practices for talking about global warming and understanding how people perceive and take in information.

## **Learn more:**

- [Webinar Series: A Scientist's Guide to Communicating Climate Science](#)
- [America's Climate Choices Webinar Series](#)
- [Webinar Series: A Voice for Science and Scientists in California Climate Policy](#)
- [Increasing Public Understanding of Climate Risks and Choices](#)
- [Suggested Scientific Concepts on Urgency](#)
- [Global Warming Materials for Educators](#)

# We Need Your Support to Make Change Happen

We *can* reduce global warming emissions and ensure communities have the resources they need to withstand the effects of climate change—but not without you. Your generous support helps develop science-based solutions for a healthy, safe, and sustainable future.

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With the First Lawsuit Against ExxonMobil for Climate Deception Announced, What Do We Know About Its Risk from Climate Change Impacts?

GRETCHEN GOLDMAN | MAY 19, 2016

[ VIDEO ]



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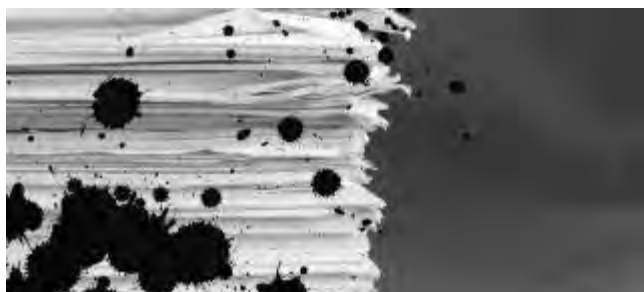
## CLIMATE SCIENCE VS. FOSSIL FUEL FICTION



Fossil fuel companies and their lobbying groups have been deceiving the public for nearly 30 years about the facts of global warming.

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ExxonMobil claims that, "We do not fund or support those who deny the reality of climate change." But actions speak louder than words.

[Tell ExxonMobil to stop funding front groups that distort or deny climate change. >](#)



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# Exhibit Q

# **Smoke, Mirrors & Hot Air**

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**How ExxonMobil Uses Big Tobacco's Tactics  
to Manufacture Uncertainty on Climate Science**

Union of Concerned Scientists  
January 2007

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The Union of Concerned Scientists is the leading science-based nonprofit working for a healthy environment and a safer world.

UCS combines independent scientific research and citizen action to develop innovative, practical solutions and secure responsible changes in government policy, corporate practices, and consumer choices.

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Cambridge, MA 02238-9105

Phone: 617-547-5552  
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Email: [ucs@ucsusa.org](mailto:ucs@ucsusa.org)

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The findings and opinions expressed in this report do not necessarily reflect the opinion of the reviewers who provided comment on its content. Both the opinions and the information contained herein are the sole responsibility of the Union of Concerned Scientists.

## EXECUTIVE SUMMARY

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In an effort to deceive the public about the reality of global warming, ExxonMobil has underwritten the most sophisticated and most successful disinformation campaign since the tobacco industry misled the public about the scientific evidence linking smoking to lung cancer and heart disease. As this report documents, the two disinformation campaigns are strikingly similar. ExxonMobil has drawn upon the tactics and even some of the organizations and actors involved in the callous disinformation campaign the tobacco industry waged for 40 years. Like the tobacco industry, ExxonMobil has:

- ***Manufactured uncertainty*** by raising doubts about even the most indisputable scientific evidence.
- Adopted a strategy of ***information laundering*** by using seemingly independent front organizations to publicly further its desired message and thereby confuse the public.
- ***Promoted scientific spokespeople*** who misrepresent peer-reviewed scientific findings or cherry-pick facts in their attempts to persuade the media and the public that there is still serious debate among scientists that burning fossil fuels has contributed to global warming and that human-caused warming will have serious consequences.
- ***Attempted to shift the focus*** away from meaningful action on global warming with misleading charges about the need for “sound science.”
- ***Used its extraordinary access to the Bush administration*** to block federal policies and shape government communications on global warming.

The report documents that, despite the scientific consensus about the fundamental understanding that global warming is caused by carbon dioxide and other heat-trapping emissions, ExxonMobil has funneled about \$16 million between 1998 and 2005 to a network of ideological and advocacy organizations that manufacture uncertainty on the issue. Many of these organizations have an overlapping—sometimes identical—collection of spokespeople serving as staff, board members, and scientific advisors. By publishing and republishing the non-peer-reviewed works of a small group of scientific spokespeople, ExxonMobil-funded organizations have propped up and amplified work that has been discredited by reputable climate scientists.

ExxonMobil’s funding of established research institutions that seek to better understand science, policies, and technologies to address global warming has given the corporation “cover,” while its funding of ideological and advocacy organizations to conduct a disinformation campaign works to confuse that understanding. This seemingly inconsistent activity makes sense when looked at through a broader lens. Like the tobacco companies in previous decades, this strategy provides a positive “pro-science” public stance for ExxonMobil that masks their activity to delay meaningful action on global warming and helps keep the public debate



stalled on the science rather than focused on policy options to address the problem.

In addition, like Big Tobacco before it, ExxonMobil has been enormously successful at influencing the current administration and key members of Congress. Documents highlighted in this report, coupled with subsequent events, provide evidence of ExxonMobil's cozy relationship with government officials, which enables

the corporation to work behind the scenes to gain access to key decision makers. In some cases, the company's proxies have directly shaped the global warming message put forth by federal agencies. Finally, this report provides a set of steps elected officials, investors, and citizens can take to neutralize ExxonMobil's disinformation campaign and remove this roadblock to sensible action for reducing global warming emissions.

## PUTTING THE BRAKES ON EXXONMOBIL'S DISINFORMATION CAMPAIGN

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*For more than two decades, ExxonMobil scientists have carefully studied and worked to increase understanding of the issue of global climate change.*

—EXXONMOBIL WEBSITE, 2006 <sup>152</sup>

In September 2006, the Royal Society, Britain's premier scientific academy, sent a letter to ExxonMobil urging the company to stop funding the dozens of groups spreading disinformation on global warming and also strongly criticized the company's "inaccurate and misleading" public statements on global warming.<sup>153</sup> ExxonMobil responded by defending the statement in its 2005 Corporate Citizenship Report that scientific uncertainties make it "very difficult to determine objectively the extent to which recent climate changes might be the result of human actions."<sup>154</sup> However, ExxonMobil also stated that it has stopped funding the Competitive Enterprise Institute, although it is unclear whether its support is discontinued permanently. Either way, as of this publication date, this commitment leaves intact the rest of ExxonMobil's carefully constructed echo chamber of climate disinformation.

The unprecedented letter from the British Royal Society demonstrates the level of frustration among scientists about ExxonMobil's efforts to manufacture uncertainty about global warming. ExxonMobil's dismissive response shows that more pressure is needed to achieve a real change in the company's activities.

The time is ripe to call for a dramatic shift in ExxonMobil's stance on global warming. After nearly 13 years, Lee Raymond, an outspoken enemy of environmental regulation, stepped down at the end of 2005 and the company promoted

Rex Tillerson to the position of CEO. While Tillerson has been less confrontational than his predecessor on the global warming issue, he has yet to make real commitments on global warming. He has an opportunity to implement key changes in ExxonMobil's climate change activities and should be encouraged to do so through a wide variety of approaches: congressional action, shareholder engagement, media accountability, and consumer action.

### CONGRESSIONAL ACTION

Elected officials can and should assert their independence from ExxonMobil in several ways.

#### Oversight

Lawmakers should conduct oversight of ExxonMobil's disinformation campaign as well as its effort to delay action on global warming. Congressional investigations played a key role in revealing the extent of Big Tobacco's work to hide the public health impacts of smoking. By requiring ExxonMobil executives to testify before Congress and by obtaining internal documents through subpoena, congressional investigators could expose additional information about ExxonMobil's strategic disinformation campaign on global warming.

#### Campaign Contributions

Lawmakers and candidates should reject campaign

contributions from ExxonMobil and its executives until the disinformation campaign ceases and the corporation ends its opposition to mandatory regulation of global warming emissions from fossil fuels.

### **Policy Action**

The true signal that ExxonMobil's disinformation campaign has been defeated will come when Congress passes policies that ensure global warming emission reductions. Congress should bring stakeholders—including ExxonMobil—to the table, as lawmakers develop and enact a set of policies to achieve mandatory global warming emission reductions such as improved energy efficiency standards for appliances and vehicles, renewable electricity standards, and economywide caps on global warming emissions. In addition, Congress should shift government energy support and incentives away from conventional coal, oil, and gas and toward clean, renewable energy sources. Lawmakers should also encourage the integration of low carbon fuels into the supply chain by developing policies to ensure that more gas stations sell biofuels such as E85 and that flexible fuel vehicles comprise a greater percentage of the vehicle fleet.

These actions will not only reduce global warming emissions, but will help address national security concerns about our growing oil dependence, reduce demand pressures that are driving up natural gas prices, save energy consumers billions of dollars, and create hundreds of thousands of new jobs producing clean energy and vehicle technologies.<sup>155</sup>

Through these and other efforts, our elected representatives can bring ExxonMobil's campaign of disinformation on global warming to an end.

### **SHAREHOLDER ENGAGEMENT**

Investors will pay a steep price if ExxonMobil refuses to prepare to do business in a world where global warming emission reductions are required,

as they most certainly will be over the next several years. Investors can help shift ExxonMobil's position on global warming and clean energy solutions. ExxonMobil shareholders can join major institutional investors in calling on the company to begin to invest in clean energy options that would protect the long-term health of the corporation and the planet.<sup>156</sup>

In 2006, shareholders offered a resolution calling on the ExxonMobil board to establish policies designed to achieve the long-term goal of making ExxonMobil the recognized leader in low-carbon emissions in both the company's production and products. In May 2006, 17 leading U.S. pension funds and other institutional investors holding \$6.75 billion in ExxonMobil shares asked for a face-to-face meeting with members of the ExxonMobil board of directors. This request stemmed from growing concerns in the financial world that ExxonMobil is "a company that fails to acknowledge the potential for climate change to have a profound impact on global energy markets, and which lags far behind its competitors in developing a strategy to plan for and manage these impacts," as articulated in a letter to ExxonMobil from investors in May of 2006.<sup>157</sup> Connecticut State Treasurer Denise Nappier elaborated on the group's concerns, stating that "in effect, ExxonMobil is making a massive bet—with shareholders' money—that the world's addiction to oil will not abate for decades, even as its competitors are taking significant steps to prepare for a rapidly changing energy environment. As investors, we are concerned that ExxonMobil is not sufficiently preparing for 'tomorrow's energy' and runs the risk of lagging significantly behind its rivals."<sup>158</sup>

ExxonMobil's competition is indeed moving forward in renewable energy research and deployment. In 2005, BP launched BP Alternative Energy, a project that plans to invest \$8 billion

over the next ten years to advance clean energy technologies such as solar, wind, and bioenergy.<sup>159</sup> Similarly, Shell has invested \$1 billion in alternative energy development since 2000. It is a major biofuels distributor, a developer of the next generation of solar technology, and it has 350 MW of operational wind capacity.<sup>160</sup> While these companies could do more to address global warming, their actions represent an important step. Investors can encourage ExxonMobil to convert funds currently used for the disinformation campaign to add to the recent research and development investments ExxonMobil contributes to institutions devoted to legitimate climate science and solutions research.

Shareholders should also support resolutions calling on ExxonMobil to disclose the physical, financial, and competitive risks that global warming poses to the corporation. For example, the 2005 hurricane season suggests that the country's oil refining infrastructure is vulnerable to an increase in the severity of extreme weather events that scientists project are likely to occur with continued warming. ExxonMobil's total natural gas production decreased in 2005 partly as a result of the impacts of Hurricanes Katrina and Rita in the Gulf of Mexico.<sup>161</sup>

Individuals who do not have a direct investment in ExxonMobil may own pension funds and mutual funds invested in ExxonMobil. These investors can insist that their fund managers assess the global warming risk of ExxonMobil investments and support global warming shareholder resolutions targeting ExxonMobil. While institutional investors increasingly support these resolutions, mutual fund companies are lagging behind and putting investors at risk. None of the top 100 U.S. mutual funds support climate change resolutions. For example, the three largest mutual fund companies: American Funds, Fidelity, and Vanguard all have major holdings in ExxonMobil,

**Investors will pay a steep price  
if ExxonMobil refuses to prepare to  
do business in a world where global  
warming emission reductions are  
required.**

but have not yet committed to support future climate resolutions. More pressure from investors is needed to influence these and other mutual fund companies.

### **MEDIA ACCOUNTABILITY**

Too often, journalists' inclination to provide political "balance" leads to inaccurate media reporting on scientific issues. Far from making news stories more balanced, quoting ExxonMobil-funded groups and spokespeople misleads the public by downplaying the strength of the scientific consensus on global warming and the urgency of the problem. Citizens must respond whenever the media provides a soapbox for these ExxonMobil-sponsored spokespeople, especially when the story fails to reveal their financial ties to ExxonMobil or those of their organizations.

Toward this end, citizens can send letters to the editor highlighting the financial ties that quoted "experts" have to ExxonMobil or ExxonMobil-funded organizations. They can also encourage individual reporters and media outlets to report science accurately. Well-established scientific information should be reported as such, and members of the press should distinguish clearly between those views of their sources that are supported in the peer-reviewed scientific literature versus those that have only been propped up in the ExxonMobil-financed echo chamber.

### **CONSUMER ACTION**

Finally, consumers can exercise their influence in

the marketplace by refusing to purchase Exxon-Mobil's gasoline and other products until the company ends its disinformation campaign. ExxposeExxon, a collaborative campaign led by many of the nation's largest environmental and public interest advocacy organizations, has already gathered boycott pledges from more than 500,000 consumers who are calling on the company to change course on global warming.<sup>162</sup> In particular, consumers should demand that ExxonMobil stop funding groups that disseminate discredited information on global warming and require the organizations it funds to disclose their funding sources and to subject their published, science-based information to peer review.

It is time for ExxonMobil customers to hold the corporation accountable for its environmental rhetoric. For example, ExxonMobil's 2005 Corporate Citizen Report states, "We seek to drive incidents with environmental impact to zero, and to operate in a manner that is not harmful to the environment."<sup>163</sup> Even while making such pronouncements, ExxonMobil has, as this report demonstrates, been engaged in a disinformation campaign to confuse the public on global warming. At the same time, heat-trapping emissions from its operations continue to grow.

It is critical that ExxonMobil impose strict standards on the groups that receive funding for climate-related activities. Not only should it cease funding groups who disseminate discredited information on global warming, it should require funded organizations to acknowledge Exxon-Mobil support for their work. An incident at a September 2005 National Press Club briefing indicates the importance of such disclosure. At the briefing, Indur Goklany, an analyst at the ExxonMobil-funded National Center for Policy Analysis, presented "Living with Global Warming," a paper that favors adapting to global warm-

ing over curbing the problem with emission reduction. Neither the paper nor Goklany advertised the organization's ties to ExxonMobil, which would have remained undisclosed had not an audience member asked Goklany about the organization's \$315,000 in funding from Exxon-Mobil between 1998 and 2004. Requiring individuals like Goklany to disclose this information will help the public more effectively evaluate the independence of their statements.

In June 2005, U.S. State department documents revealed that the White House considered ExxonMobil "among the companies most actively and prominently opposed to binding approaches [like Kyoto] to cut greenhouse gas emissions."<sup>164</sup> Customers should press ExxonMobil to end its opposition to federal policies that would ensure reductions in U.S. global warming emissions. Moreover, it should be urged to set a goal to reduce the total emissions from its products and operations and demonstrate steady progress toward that goal. Consumers should also call on ExxonMobil to prepare to comply with imminent national and international climate policies by transitioning to cleaner renewable fuels and investing in other clean energy technologies. In particular, Exxon-Mobil should develop a plan to increase production of low-carbon cellulosic ethanol and make it available at its fueling stations.

To make their actions visible to the company, consumers should relay their demands directly to Rex Tillerson at ExxonMobil's corporate headquarters (5959 Las Colinas Boulevard, Irving, Texas 75039-2298; phone number 972-444-1000).

To access web tools focused on holding Exxon-Mobil accountable for its activities on global warming, visit [www.ExxposeExxon.com](http://www.ExxposeExxon.com). The site includes sample letters to Rex Tillerson and members of Congress.

# Exhibit R



# Democrat AGs signed secrecy pact to hide details of probe into climate-change dissent



New York Attorney General Eric T. Schneiderman speaks during a news conference in New York on Feb. 11, 2016. (Associated Press) **\*\*FILE\*\*** [more >](#)

By Valerie Richardson - *The Washington Times* - Thursday, August 4, 2016

Democratic attorneys general signed a secrecy agreement aimed at keeping hidden the details of their investigation into climate change dissenters, according to documents released Thursday.

The Common Interest Agreement was signed in April and May by representatives for 17 attorneys general as part of their collaborative pursuit of fossil fuel companies, academics and think tanks that challenge the narrative of catastrophic climate change.

Such agreements are typically used by prosecutors on investigations involving litigation, but the pact signed by AGs United for Clean Power was different. The agreements were “clearly drafted to obstruct open-records requests while these AGs carried out a political campaign against their critics,” said the Energy and Environment Legal Institute, which obtained the documents.



## **PHOTOS: Stars who support Trump**

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"It's baffling that these AGs feel they can trample on their own states' public records laws," David W. Schnare, E&E Legal general counsel, said in a Thursday statement.

"If they truly believe that they are engaged in anything other than a purely political campaign, they should have no problem explaining to the public what they are doing and subjecting their activities to the scrutiny their legislatures demanded," he said.

He said the institute obtained the 17 agreements through open-records requests and a lawsuit against the District of Columbia.

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## **PHOTOS: Best shotguns for home defense**

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"The time and effort it took to obtain the document; the arguments made to defeat efforts to obtain it; and the AGs' reluctance even to acknowledge the existence of such an agreement, all raise more questions about what these AGs are hiding," said the institute.

The E&E Legal Institute previously obtained an unsigned copy of the Common Interest Agreement through an open-records request, but the Thursday release marks the first time the signed documents have been made available to the public.

Eric Soufer, a spokesman for New York Attorney General Eric T. Schneiderman, defended the use of the agreement, calling it a "routine practice during a multistate investigation."

"These agreements preserve the confidentiality of public information shared among state law enforcement officials during the course of an investigation," Mr. Soufer said in a Thursday email. "These agreements are also routinely employed by non-government entities engaged in private litigation."

The suggestion that such an agreement is "anything other than a standard, routine, and responsible law enforcement practice is utter nonsense."

"This is just another press release by fossil fuel industry allies hoping to distract, deflect, and delay a serious fraud investigation into potential corporate fraud and malfeasance," Mr. Soufer said. "Needless to say, it will not be effective."

“It is not unusual for plaintiffs’ attorneys to have cooperative working agreements with other plaintiffs with whom they share common interests,” Mr. Silverman said.

At the same time, he said, “Lawyers and their clients are always looking for a privilege, which is a legal way of keeping secrets.

“Once this privilege is asserted, it becomes difficult to prove the cooperation agreement is a pretext so as to pierce the privilege,” Mr. Silverman said. “EELI’s complaining is understandable because this interstate agreement works specifically to shield the government’s strategizing and litigation preparation behind closed doors. A lot of interesting stuff can be claimed as shielded under that umbrella of privilege.”

The agreements were part of a coalition of 17 attorneys general — 16 Democrats and one independent — who announced at a March 29 press conference that they would join forces to pursue companies such as Exxon Mobil accused of misleading the public about the consequences of climate change.

Yet the 17 prosecutors who participated in the New York press event are not the same 17 who signed the agreements.

Iowa Attorney General Tom Miller lent his name to the March unveiling of AGs United for Clean Power, but has not signed the Common Interest Agreement, said Iowa Deputy Attorney General Tam Ormiston.

“At this moment, we aren’t a part of the Common Interest Agreement. We haven’t withdrawn and we haven’t gone forward, either,” Mr. Ormiston told The Washington Times.

Meanwhile, a deputy for New Hampshire Attorney General Joseph Foster signed the agreement April 29 even though Mr. Foster did not take part in the March press conference, which featured former Vice President Al Gore.

New Hampshire became involved a week after a rally outside the Statehouse urging Mr. Foster to join the coalition and investigate Exxon Mobil for climate change fraud. The protest was sponsored by NextGen Climate New Hampshire and 350.org.

NextGen has powerful connections, particularly in the Granite State: The New Hampshire arm is headed by Becky Wasserman, daughter of Lee Wasserman, who runs the Rockefeller Family Fund, a key player in funding the climate change movement.

The other states and jurisdictions that have signed on to the Common Interest Agreement are California, Connecticut, the District of Columbia, Illinois, Massachusetts, Maryland, Maine, Minnesota, New Hampshire, New Mexico, New York, Oregon, Rhode Island, Virginia, the Virgin Islands and Washington.

At least three of the attorneys general — Mr. Schneiderman, Massachusetts' Maura Healey and Claude E. Walker of the Virgin Islands — have issued subpoenas as part of their investigations into Exxon Mobil.

The Virgin Islands subpoenas, which have since been dropped, called for Exxon's communications with more than 100 universities, professors and think tanks, while the Massachusetts subpoena named a dozen organizations that have challenged the catastrophic view of climate change.

Critics have blasted the cooperative investigation as a free speech violation intended to chill debate, while Mr. Schneiderman has argued that climate change "fraud" is not protected by the First Amendment.

Chris Horner, E&E senior legal fellow, said the document was "far less a proper common interest agreement than a sweeping cloak of secrecy."

He noted that the agreement includes a provision that allows information to be shared with "other persons, provided that all Parties consent in advance."

That provision would presumably allow the prosecutors to divulge information about their investigation with environmentalists and climate change groups, which have been active in devising and promoting the strategy to pursue climate change skeptics through the legal system.

"It was drafted not in anticipation of any particular litigation but in obvious anticipation of open records requests," Mr. Horner said. "We have already revealed they've colluded on this use of their law enforcement powers to wage a political campaign with political activist groups and activist lawyers. This is wrong and in the end will be fully exposed."

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